

Decision No. 72964

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of SOUTHERN PACIFIC COMPANY for an)	
order authorizing the construction)	Application No. 49570
at grade of an industrial spur track)	(Filed July 26, 1967)
across Carey Road in the unincorporated)	
Town of Grape, County of Imperial,)	
State of California)	

O R D E R

The Southern Pacific Company is hereby authorized to construct a spur track at grade across Carey Road in the County of Imperial, at the location described in the application, to be identified as a portion of existing Crossing No. BN-689.9.

Applicant shall bear entire construction and maintenance expense.

Construction of said crossing shall be equal or superior to Standard No. 2 of General Order No. 72, with a width of 24 feet, with tops of rails flush with roadway and with grades of approach not exceeding five percent in accordance with plan attached to the application. Protection at the crossing shall be by two Standard No. 1 crossing signs (General Order No. 75-B), with reflex reflecting sheet material.

The application includes Encroachment Permit No. 1265-67 issued by the Road Department of the County of Imperial on June 26, 1967 to construct the subject track. The permit contains a clause to the effect that any costs for widening the crossing that may become necessary will be borne by the Southern Pacific Company. The Southern Pacific Company alleges that such a clause is void

because the subject matter is within the exclusive jurisdiction of this Commission. Since the order herein requires that the crossing width shall be not less than 24 feet, the Commission will not pass upon the issue raised by the applicant concerning Permit No. 1265-67 of the County of Imperial Road Department.

Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

Applicant declares that the industry requires rail service as soon as possible and requests waiver of the twenty day waiting period.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 29th day of AUGUST, 1967.

[Signature]
President

[Signature]

[Signature]

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Commissioners